207

CHAPTER XIII.

LICENCES AND FEES.

General Provision as to Licences.

Exemption of Government from taking out licences.

312. Nothing in this Chapter shall be construed as requiring the Government to take out a licence in respect of any place in the occupation or under the control of His Highness the Maharaja or the Government or in respect of any property belonging to His Highness the Maharaja or the Government.

Lodging Houses.

Prohibition in respect of lodging houses.

313. (1) No person shall without or otherwise than in conformity with the terms of a licence granted by the commissioner in this behalf, keep any lodging house, eating-house, tea-shop, coffee-house, cafe, restaurant, refreshment room, or any place, where the public are admitted for repose or for the consumption of any food or drink or any place where food is sold or prepared for sale.

Explanation.—Lodging house means a hotel, boarding house, choultry, or rest-house other than a choultry or rest-house maintained by the Government or a local authority, or any place where casual visitors are received and provided with sleeping accommodation with or without food on payment but does not include a students' hostel under public or recognized control.

(2) The commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered thereby are not kept in conformity with the conditions of such licence or with the provisions of any bye-law made under Section 396 relating to such premises whether or not the licensee is prosecuted under this Act.

Keeping of Animals and Birds.

Prohibition in respect of keeping animals and birds and feeding animals.

314. No person shall—

(*a*) without the permission of the commissioner, or otherwise than in conformity with the terms of such permission, keep pigs in any part of the city;

(*b*) keep any animal or bird on his premises so as to be a nuisance or so as to be dangerous; or

(*c*) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

Destruction of stray pigs and dogs.

315. If any dogs not taxed under section 118 or pigs, are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the commissioner.

Licences for places in which animals are kept.

316. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first

208

month of every year or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the commissioner for a licence.

(2) The commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence :

Provided that this section shall not apply to any place licensed as a place of public entertainment or resort under the Places of Public Resort Act, 1888, as in force in the retroceded area.

(3) No person shall, without or otherwise than in conformity with a licence use any place or allow any place to be used for any such purpose.

General powers of control over stables, cattle-sheds and cow-houses

317. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the commissioner as regards their site, construction, material and dimensions.

(2) The commissioner may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle-shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

318. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the commissioner may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Halting Places, Cart-stands, etc.

Provision of halting places, cart-stands, etc.

319. (1) The commissioner may construct or provide public halting places, cart-stands, cattle-sheds and cow-houses and may charge and levy such fees for the use of the same as the standing committee may fix.

Explanation.—A cart-stand shall, for the purposes of this Act, include a stand for carriages including motor vehicles within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944, and animals.

(2) A statement of the fees fixed by the standing committee for the use of each such place, shall be put up in English and Kannada in a conspicuous part thereof.

(3) The commissioner may farm out the collection of such fees for any period not exceeding three years at a time, on such terms and conditions as he may think fit.

209

Prohibition of use of public place or sides of public street as cart-stand, etc.

320. Where the commissioner has provided a public salting place, cart-stand, cattle-shed or cow-house, he may prohibit the use for the same purpose by any person within such distance thereof as may be determined by the standing committee of any public place or the sides of any public street.

Recovery of cart-stand fees, etc.

321. (1) If the fee leviable under sub-section (1) of section 319 is not paid on demand, the person appointed to collect such fee may seize and detain such portion of the appurtenances or load of such cart, carriage, motor vehicle, or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the cart, carriage, motor vehicle, or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the commissioner or to such person as he may have authorised to receive and sell such property and the commissioner shall forthwith give notice to the owner of the property seized or if the owner is not known or is not resident within the city, to the person who was in charge of such property at the time when it was seized or if such person is not found, give public notice that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the fee, together with the expenses incurred in connection with the seizure, detention and proposed sale is tendered to the commissioner or other person authorised as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property or a sufficient portion thereof may be sold and the proceeds of the sale applied to the payment of—

(*i*) the amount due on account of the fee;

(*ii*) such penalty not exceeding the amount of the fee as the commissioner may direct; and

(*iii*) the expenses incurred in connection with the seizure, detention and sale.

(5) If, after making the payments referred to in sub-section (4) there is any surplus sale proceeds or any property remaining unsold, the same shall be paid or delivered to the owner or other person entitled thereto.

Licence for private cart-stand.

322. (1) No person shall open a new private cart-stand or continue to keep open a private cart-stand unless he obtains from the commissioner a licence to do so.

(2) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a cart-stand or not less than thirty days before the commencement of the year for which the licence is sought to be renewed, as the case may be.

(3) The commissioner shall, as regards private cart-stands already lawfully established and may, at his discretion, as regards new private cart-stands, grant the licence applied for, subject to such regulations as to supervision and inspection and to such conditions as to conservancy as he may think proper, or he may refuse to grant any such licence for any new private cart-stand. The commissioner may, at any time for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The commissioner may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled, or modified under this section, the commissioner shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and Kannada, to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The commissioner may levy for every licence granted under this section a fee not exceeding six hundred rupees per annum :

Provided that no fee shall be levied in respect of a licence for a cart-stand for the use of which no charge is made.

(6) Every licence granted under this section shall expire at the end of the year for which it is granted.

Carcasses of Animals.

Removal of carcasses of animals.

323. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night within three hours after sunrise, either—

(*a*) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the commissioner in that behalf, or

(*b*) report the death of the animal to an officer of the health department of the division of the city in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the health department, a fee for the removal, of such amount as shall be fixed by the commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the animal died.

Industries and Factories.

Purposes for which places within the limits of the City or within

324. (1) No place within the limits of the city shall be used for any of the purposes mentioned in Schedule V without a licence obtained from the commissioner and except in accordance with the conditions specified therein.

28

three miles thereof may not be used without licence and payment of proportionate tax to local body concerned in the latter case.

(2) The commissioner shall, if so required by the corporation, publish a notification in the official Gazette and in two or more local newspapers that any place at a distance within three miles of the limits of the city shall not be used for any one or more of the purposes mentioned in Schedule V without a licence obtained from the commissioner and except in accordance with the conditions specified therein:

Provided that no such notification shall take effect—

(*a*) unless the sanction of the Government has been obtained therefor, and

(*b*) until the expiry of thirty days from the date of its publication in the official Gazette.

(3) The owner or occupier of every place for the use of which for any purpose a licence is required under sub-section (1) or sub-section (2) shall apply to the commissioner for such licence not less than thirty days before the place is used for such purpose or within thirty days of the publication of the notification under sub-section (2) in the official Gazette, as the case may be.

(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place.

(5) The commissioner may grant such licence subject to such restrictions and regulations as may be specified by him therein or he may refuse to grant such licence.

(6) Every such licence shall expire at the end of the year for which it is granted, or at such earlier date as the commissioner may, for special reasons, specify in the licence.

(7) Applications for renewal of such licences shall be made not less than thirty days before the commencement of the year for which the renewal is sought.

(8) Where a licence is granted under this section for the use of any place outside the limits of the city, the corporation shall pay to the municipal council or local authority within the limits of which such place is situated, such proportion of the fee received by the corporation for the grant or renewal of such licence as the Government may, by general or special order, determine.

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

325. (1) Every person intending to construct or establish any factory, workshop or work-place in which it is proposed to employ steam-power as aforesaid shall before beginning such construction, establishment or installation make an application in writing to the commissioner for permission to undertake the intended work.

(2) The application shall specify the maximum number of workers proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises and shall be accompanied by—

(*a*) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by the Government; and

212

(*b*) such particulars as to the power, machinery plant or premises as the corporation may require by bye-laws made in this behalf.

(3) The commissioner shall, as soon as may be after the receipt of the application—

(*a*) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, or

(*b*) refuse permission if he is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or is likely to cause nuisance.

(4) Before granting permission under sub-section (3) the commissioner—

(*a*) shall, if more than nine workers are proposed to be simultaneously employed at any time in the factory, workshop, work-place or premises, obtain the approval of the inspector of factories appointed under the Mysore Factories Act, 1936, having jurisdiction of the city or if there is more than one such inspector, of the inspector designated by the Government in this behalf by general or special order, as regards the plan of the factory, workshop, work-place or premises with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitability of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by the Government, and

(*b*) shall consult and have due regard to the opinion of the health officer as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) All chimneys in connection with any such factory, workshop or work-place or any such machinery or manufacturing plant shall be of such height and dimensions as the commissioner may determine.

(6) More than nine workers shall not be simultaneously employed at any time in any factory, workshop, work-place or premises, unless the permission granted in respect thereof under sub-section (3) authorizes such employment or unless fresh permission authorising such employment has been obtained from the commissioner. Before granting such fresh permission, the commissioner shall obtain the approval of the inspector of factories, referred to in clause (*a*) of sub-section (4), as regards the plan of the factory, workshop, work-place or premises, with reference to the matters specified in that clause.

(7) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with

the provisions of sections 240 and 242 or sections 254 and 255 as the case may be

Explanation.—The word "worker" in sub-sections (2), (4) and (6) shall, in relation to any factory, workshop, work-place or premises, have the same meaning as in the Mysore Factories Act, 1936.

Commissioner may issue directions for abatement of nuisance caused by steam or other power.

326. (1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electric power is used, nuisance is in the opinion of the commissioner caused by the particular kind of fuel used or by the noise or vibration created, he may issue such directions as he thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the commissioner may—

(*a*) prohibit the use of the particular kind of fuel; or

(*b*) prohibit the working of the factory, workshop or work-place altogether until such directions have been carried out or between the hours of 6 p.m. and 6 a.m. or during any particular time or times between such hours.

Power of commissioner to require owner of factory, workshop, etc., to put up and maintain the factory, workshop, etc., in a cleanly state.

327. Whenever it shall appear to the commissioner that any factory, workshop, work-place or any building or place in which steam, water, or other mechanical power or electric power is used, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless as far as practicable any gas, vapour, dust or other impurity generated in the course of the work carried on therein which in the opinion of the commissioner is a nuisance or is so over-crowded while work is carried on as to be dangerous or injurious in the opinion of the commissioner to the health of the persons employed therein, or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb, the commissioner may by written notice require the owner of such factory, workshop, work-place or other building or place to take such order as he thinks fit for putting and maintaining the said factory, workshop, work-place or other building or place in a cleanly state or for ventilating the same or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein.

Explanation.—Nothing in this section shall be deemed to affect any of the provisions of the Steam Boilers' and Prime Movers' Act, 1920, or to authorise the commissioner to issue any order relating to the fixing or fencing of any engine, mill-gearing, hoist or other machinery in any factory to which the provisions of the Mysore Factories Act, 1936, are applicable.

214

328. Whenever it shall appear to the commissioner that any factory, workshop or work-place or any building or any place in which steam, water or other mechanical or electric power is employed, is or is likely to become by reason of the employment of such power or by noise or by any gas, vapour, smoke, vibration, dust or other impurity generated in the course of the work carried on in such place or by any other cause, a nuisance or danger to the life, health or property of persons in the neighbourhood he may by written notice require the owner or occupier of such factory, workshop, work-place, building or place to discontinue the use of such factory or place for any of the purposes that may be specified in such notice.

Power of commissioner to require owner or occupier of factory, etc., to discontinue the use of such factory.

329. (1) The commissioner or any person authorised by him in this behalf may enter any factory, workshop or work-place—

Commissioner may enter any factory, workshop or work-place.

(*a*) at any time between sunrise and sunset,

(*b*) at any time when any industry is being carried on, and

(*c*) at any time by day or night if he has reason to believe that any offence is being committed against sections 325, 326, 327 or 328.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of the force necessary for the purpose of effecting an entrance under this section.

330. The Government may either generally or in any particular case make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under sections 325, 326, 327 or 328.

Power of Government to pass orders or give directions to commissioner.

Washing and Bathing.

331. The corporation shall set apart places for use by the public for bathing purposes and for washing animals.

Provision of places for bathing and for washing animals.

332. (1) The commissioner may construct or provide and maintain public bathing-houses, public wash-houses or places for the washing of clothes, and may charge and levy such rents and fees for the use of any such bathing-house, wash-house or place as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

Provision of public bathing houses, wash-houses, etc.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the commissioner may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from such diseases shall be

215

washed separately in a separate block wherever set apart for the purpose and shall be washed by such methods as the commissioner may lay down in that behalf.

Prohibition against washing by washermen at unauthorised places.

333. (1) The commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the city or outside the city within three miles of the boundary thereof, except at—

(*a*) public wash-houses or places maintained or provided under section 332; or

(*b*) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself, or for personal and family service or for hire on and within the premises of the hirer, at any place within or without municipal limits other than a public wash-house or place maintained or appointed under this Act:

Provided that this section shall apply only to clothes washed within or to be brought within the city.

Slaughter-houses.

Provision of municipal slaughter-houses.

334. (1) The corporation shall provide a sufficient number of places for use as municipal slaughter-houses and the commissioner may charge and levy such rents and fees for their use as the standing committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Municipal slaughter-houses may be situated within or with the sanction of the Government, without the city.

Licence for slaughter-houses.

335. (1) The owner of any place within the limits of the city or at a distance within three miles of such limits which is used as a slaughter house for the slaughtering of animals or for the skinning or cutting up of carcasses shall, not less than thirty days before the commencement of the year for which the licence is sought or in the case of a place to be newly opened, not less than one month before the opening of the same, apply to the commissioner for a licence:

Provided that this sub-section shall not take effect in any area outside the limits of the city except with the previous sanction of the Government.

Slaughter of animals during festivals and ceremonies.

336. The commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

Slaughter of animals for sale or food.

337. No person shall slaughter within the city except in a municipal or licensed slaughter-house any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without

or otherwise than in conformity with a licence from the commissioner, or dry or permit to be dried any skin in such a manner as to cause a nuisance.

Slaughter of animals for religious ceremony.

338. The commissioner may authorise any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony.

The Milk Trade.

Regulation of Milk Trade.

339. (1) No person shall without or otherwise than in conformity with a licence from the commissioner—

(*a*) carry on or be employed in the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce within the city;

(*b*) use any place in the city for the sale of milk or dairy produce:

Provided that no such licence shall be given to any person who is suffering from a dangerous disease:

Provided further that such licence shall be deemed to have been suspended while the person to whom it is granted is suffering from a dangerous disease.

(2) Such licence may be refused or may be granted either unconditionally or on such conditions as the commissioner may deem necessary. Such conditions may relate to the construction, ventilation, conservancy, supervision and inspection of the premises whether within or without the limits of the city where the animals from which the milk supply is derived are kept.

Markets, Butchers' Shops, etc

Public markets.

340. All markets which are acquired, constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets.

Power of municipal authorities in respect of public markets.

341. (1) The corporation may provide places for use as public markets.

(2) The commissioner may in any public market charge and levy any one or more of the following fees at such rates as the standing committee may determine and may place the collection of such fees under the management of such persons as may appear to him proper or may farm out such fees on such terms and subject to such conditions as he may deem fit—

(*a*) fees for the use of, or for the right to expose goods for sale, in such markets;

(*b*) fees for the use of shops, stalls, pens or stands in such markets;

(*c*) fees on vehicles or pack-animals carrying or on persons bringing goods for sale in such markets;

(*d*) fees on animals brought for sale into, or sold in, such markets, and

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

217

(3) Such fees shall be recoverable in the same manner as the property tax.

(4) The corporation may, with the sanction of the Government, close any public market or part thereof.

Commissioner's control over public markets.

342. (1) No person shall, without the permission of the commissioner, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

(2) Any person who contravenes sub-section (1) or any condition of the licence or any regulation made under section 350 or in any bye-law made under section 396 or who commits defaults in payment of the fees leviable under section 341 may after three clear days' notice be summarily removed from such market by any municipal officer or servant and any lease or tenure which any person may possess may be terminated for such period and from such date as the commissioner may determine without prejudice to the legal rights of the corporation to prosecute the person or to recover the fees leviable under section 341 and expenses, if any, which the corporation may incur in such removal.

Establishment of private markets.

343. (1) The corporation shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for, sale animals intended for human food or any article of human food shall be permitted in the city or any specified part of the city.

(2) (*a*) No person shall establish any new private market without or otherwise than in conformity with a licence issued by the commissioner with the sanction of the standing committee which shall be guided in giving or refusing sanction, by the resolutions of the council passed under sub-section (1).

(*b*) Applications for such licence shall be made by the owner of the place in respect of which the licence is sought not less than thirty days before such place is opened as a market.

Licensing private markets.

344. (1) No person shall without or otherwise than in conformity with an annual licence granted by the commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made not less than thirty days before the commencement of the year for which licence is sought.

(2) The commissioner may by an order, subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents and fees to be charged in such markets as he thinks fit,—

(*a*) grant or refuse to grant or renew such licence, or

(*b*) withhold the licence until the owner or occupier executes such works as may be specified in the order:

Provided that the commissioner shall not refuse or withhold such licence for any cause other than the failure of the

owner or occupier thereof to comply with some provision of this Act or some regulation made under section 351 or some bye-law made under section 396, or without the approval of the standing committee.

(3) The commissioner shall cause a notice that the market has been so licensed to be affixed in English and in Kannada language in some conspicuous place at or near the entrance to every such market.

(4) The commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in English and Kannada to some conspicuous place at or near the entrance to the premises.

Period of licence.

345. Every licence granted under section 343 or section 344 shall expire at the end of the year for which it is granted.

Licence fee for private markets.

346. When a licence granted under section 344 permits the levy of any fee or fees of the nature specified in sub-section (2) of section 341, a fee not exceeding fifteen per cent of the gross income of the owner from the market in the preceding year shall be charged and levied by the commissioner for such licence.

Sale in unlicensed private market.

347. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of commissioner in respect of private markets.

348. The commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

(*a*) construct approaches, entrances, passages, gates, drains and cesspits for such market and provide it with latrine of such description and in such position and number as the commissioner may think fit.

(*b*) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the commissioner secure imperviousness and ready cleansing;

(*c*) ventilate and light it properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls, and make such alterations in the stalls, passages, shops, doors or other parts of the market as the commissioner may direct; and

(*e*) keep it in a cleanly and proper state and remove all filth and rubbish therefrom.

Suspension or refusal of licence in default.

349. (1) If any person, after notice given to him in that behalf by the commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 348 the commissioner may, with the sanction of the standing committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

219

Power of commissioner to make regulations for markets, bazaars slaughter-houses, and places set apart for sacrifice of animals.

350. The Commissioner may, with the approval of the standing committee, make regulations, not inconsistent with any provision of this Act, or of any bye law made under section 396,

(*a*) for preventing nuisances or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar;

(*b*) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use;

(*c*) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under section 336 in a cleanly and proper state, and for removing filth and rubbish therefrom;

(*d*) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water;

(*e*) requiring that in market-buildings, market-places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public; and

(*f*) requiring that in market-buildings, market-places and bazaars separate areas be set apart for different classes of articles.

Acquisition of rights of private persons to hold private markets.

351. (1) The corporation may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Mysore Land Acquisition Act, 1894, and such rights shall be deemed to be land for the purposes of that Act.

(2) On payment by the corporation of the compensation awarded under the said Act in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold such market and to levy fees therein shall vest in the corporation.

Duty of expelling lepers, etc., from markets, and power to expel disturbers.

352. The person in charge of a market shall prevent the entry therein of, and shall expel therefrom, any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein; and he may expel therefrom any person who is creating a disturbance therein.

Butcher's, fishmonger's and poulterer's licence.

353. (1) No person shall without or otherwise than in conformity with a licence from the commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of flesh, fish or poultry intended for human food—

(*a*) in any place within the limits of the city, or

(*b*) in any place within three miles of such limits and not included in any municipality constituted under the Mysore Town Municipalities Act, 1933:

220

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in air-tight and hermitically sealed receptacles.

(2) The commissioner may by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year for which it is granted or at such earlier date as the commissioner may, for special reasons, specify in the licence.

Power to prohibit or regulate sale of animals, birds or articles in public streets.

354. The commissioner may, with the sanction of the standing committee prohibit by public notice or licence or regulate the sale or exposure for sale of any animal, bird or article in or on any public street or part thereof.

Decision of disputes as to whether places are markets.

355. If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of live-stock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products, is a market or not, the commissioner shall make a reference to the Government and the decision of the Government on the question shall be final.

Inspection of Places for Sale, etc.

Duty of commissioner to inspect.

356. It shall be the duty of the commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables corn, bread flour, milk, ghee, butter, oil, and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Power of commissioner for purposes of inspection.

357. (1) The commissioner or any person authorised by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

(2) If the commissioner or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of law, by-laws, or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against the commissioner or any person acting under his authority or the corporation for any

damage or inconvenience caused by the exercise of powers under this section or by the use of any force necessary for effecting any entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by commissioner.

358. No person shall in any manner whatsoever obstruct the commissioner or person duly authorised by him in the exercise of his power under the last preceding section.

Power of commissioner to seize diseased animal, noxious food, etc.

359. If it appears to the commissioner or a person duly authorised by him—

(*a*) that any animal, poultry or fish intended for food is diseased,

(*b*) that any article of food is noxious, or

(*c*) that any utensil or vessel used in manufacturing, preparing or containing any article of food is of such kind or in such state as to render the articles noxious

he may seize or carry away or secure such animal, poultry, fish, article, utensil or vessel in order that the same may be dealt with as hereinafter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be noxious.

Removing or interfering with articles seized.

360. No person shall remove or in any way interfere with anything secured under the last preceding section.

Power to destroy articles seized.

361. (1) When any animal, poultry, fish or other article of food (or any utensil or vessel) seized under section 359, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of its seizure.

Production of articles, etc., seized, before magistrate and powers of magistrate to deal with them.

362. (1) Articles of food, animals, poultry, fish, utensils or vessels, seized under section 359 and not destroyed under section 361 shall as soon as possible be produced before a Magistrate.

(2) Whether or not complaint is laid before the magistrate of any offence under the Indian Penal Code or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry, or fish is diseased, or any such article is noxious or any such untensil or vessel is of such kind or in such state as is described in section 359 he may order the same,

(*a*) to be forfeited to the corporation,

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked

about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the Dead.

Registration or closing of ownerless places for disposal of dead.

363. If it appears to the commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place, or may, with the sanction of the corporation, close it.

Licensing of places for disposal of dead.

364. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the commissioner on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management, and such further particulars as the commissioner may require.

(3) The commissioner may, with the sanction of corporation,

(*a*) grant or refuse a licence, or

(*b*) postpone the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

Provision of burial and burning grounds and crematoria within or without the city by the corporation.

365. (1) The corporation may, and shall if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria, either within or with the sanction of the Government without the limits of the city and may charge and levy rents and fees for the use thereof.

(2) If the corporation provide any such place without the limits of the city, all the provisions of this Act and all bye-laws framed under this Act for the management of such places within the city shall apply to such place and all offences against such provisions or bye-laws shall be cognizable by a magistrate as if such place were within Municipal limits.

Register of registered, licensed and provided places and prohibition of use of other places.

366. (1) A book shall be kept at the municipal office in which the places registered, licenced or provided under section 363, section 364 or section 365 and all such places registered, licensed, or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and Kannada to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The commissioner shall annually publish a list of all places registered, licenced, or provided as aforesaid or provided by the Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid.

Report of burials and burninge.

367. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the commissioner in that behalf.

Prohibition against making of vault or grave in place of worship.

368. No person shall make a vault or grave, or cause any corpse to be buried within the walls of or underneath any place of public worship:

Provided that in the case of an existing vault, the commissioner may, subject to the general or special orders of the Government, authorise the burial in such vault, of near relatives of the family to whom it belongs.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

369. (1) If the commissioner is of opinion—

(*a*) that any registered or licenced place for the disposal of the dead or any place provided for such disposal by the corporation or by the Government is in such a state or situation as to be or to be likely to become dangerous to health of persons living in the neighbourhood thereof; or

(*b*) that any burial ground is overcrowded with graves, and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

he may with the consent of the corporation and the previous sanction of the Government, give notice that it shall not be lawful after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published and a translation thereof in Kannada shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place except with the permission of the commissioner.

Prohibition in respect of corpses.

370. No person shall—

(*a*) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise in such manner that the surface of the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground; or

(*b*) build or dig or cause to be built or dug any grave in any burial ground at a less distance than two feet from the margin of any other existing grave; or

(*c*) without the sanction, in writing, of the commissioner or an order, in writing, of a magistrate reopen a grave already occupied; or

(*d*) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground and not cause the burial or

burning of the same to commence within six hours after its arrival at such place; or

(*e*) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothing to remain without being completely reduced to ashes; or

(*f*) carry through any street a corpse or part thereof not decently covered; or

(*g*) while carrying a corpse or part thereof within the city leave the same in or near any street for any purpose whatever; or

(*h*) remove, otherwise than in a closed receptacle, any corpse or part thereof, kept or used for the purpose of dissection.

Fencing, etc., of private burial ground.

371. The owner of, or other person having control over, any private burial ground shall fence and maintain the same properly to the satisfaction of the commissioner.

Grave-digger's licence.

372. No person shall discharge the office of a grave-digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the commissioner.

CHAPTER XIV.

VITAL STATISTICS AND THE PREVENTION OF DISEASES.

Vital Statistics.

Compulsory registration of vital statistics.

373. (1) The corporation shall register all births and deaths occurring in the city.

(2) Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

Dangerous Diseases.

Power to notify "Dangerous disease."

374. The Government may, by notification, declare any epidemic, endemic or infectious disease (not already specified in sub-clause (*a*) of section 3, clause (16) to be a "dangerous disease" for the purpose of this Act.

Obligation of medical practitioner or owner or occupier to report dangerous disease.

375. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the city, he shall inform the commissioner, the health officer, or the sanitary inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the commissioner may require.

(3) The commissioner may direct the compulsory notification by the owner or occupier of every house within the municipal limits, during such period and to such officer as the commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.

225

Explanation.—Sub-sections (1) and (2) shall apply to a *hakim* or a *vaidya*.

Power of entry into suspected places.

376. The commissioner or health officer may at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist and except in cases where he is satisfied that adequate arrangements have been made or exist for the proper care and treatment of the person who is suffering or is suspected to be suffering from any dangerous disease, remove or cause to be removed such person to any Government or municipal medical institution intended for the treatment of patients suffering from such disease, and take such other measures as he may think fit to prevent the spread of such disease.

Prevention of Infection.

Provision of conveyances for carriage of patients.

377. The commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Powers to order removal of patients to hospital.

378. (1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease,

or if, in the case of any other person, it appears to the health officer or assistant health officer (whether on a certificate signed by a medical practitioner registered under the Mysore Medical Registration Act, 1931, or otherwise) that such person is suffering from a dangerous disease, and

(*a*) is without proper lodging or accommodation, or

(*b*) is lodged in a place occupied by more than one family, or

(*c*) is without medical supervision directed to prevent the spread of the disease,

and if such officer in charge, health officer or assistant health officer as the case may be, considers,

that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment,

he may remove such person or cause him to be removed to the said hospital or place:

Provided that, if any such person is a female she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public be removed to any hospital or place under sub-section (1),

(*a*) the removal shall be effected in such a way as to preserve her privacy;

(*b*) special accommodation suited to such custom shall be provided for her in such hospital or place; and

226

(c) a female relative shall be allowed to remain with her.

(3) Whoever obstructs the removal of a person under this section shall be deemed to have committed an offence punishable under section 269 of the Indian Penal Code.

Disinfection of buildings and articles.

379. (1) If the commissioner or health officer is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may, by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the commissioner or health officer considers that immediate action is necessary, or that the owner or occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition, the commissioner or health officer may himself without notice cause such building, or article to be cleansed or disinfected, and for this purpose may cause such article to be removed from the building or premises; and the expenses incurred by the commissioner or health officer shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the commissioner or health officer, not unable by reason of poverty effectually to comply with such requisition.

Destruction of huts and sheds when necessary.

380. (1) If the commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Provision of places for disinfection and power to destroy infected articles.

381. (1) The commissioner may—

(a) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection from any dangerous disease, and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge, or subject to such charges, as may be approved by the standing committee.

(2) The commissioner shall from time to time notify places at which conveyances, clothing, bedding or other articles

227

which have been exposed to infection from any dangerous disease shall be washed and disinfected and no person shall wash or disinfect any such article at any place not so notified.

(3) The commissioner may direct any clothing, bedding, or other article likely to retain infection from any dangerous disease to be disinfected or destroyed, and may give compensation for any article destroyed under this sub-section.

Prohibition against transfer of infected articles.

382. No person shall, without previously disinfecting it give, lend, let, hire, sell, transmit, or otherwise dispose of, any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against infected person carrying on occupation.

383. If any person knows or has been certified by the health officer, a medical officer in the service of the Government or of the corporation or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is suffering from a dangerous disease he shall not engage in any occupation or carry on any trade or business unless he can do so without risk of spreading the disease.

Prohibition against diseased person entering public conveyance.

384. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Act such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance, the amount so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or if an appeal is presented, before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum which the plaintiff shall have received under this section.

Disinfection of public conveyance after carriage of patients.

385. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried, shall forthwith disinfect the conveyance or cause it to be disinfected.

(2) No such conveyance shall be used until the health officer or some person authorized by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

Letting of infected buildings.

386. (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the health officer has granted a certificate that such building may be re-occupied.

(2) For the purposes of sub-section (1), the keeper of a hotel or lodging house shall be deemed to let the same or part of the same to any person accommodated therein.

Power to order closure of places of public entertainment.

387. In the event of the prevalence of any dangerous disease within the city, the commissioner may, with the sanction of the standing committee, by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as may be fixed by the standing committee.

Minor suffering from dangerous disease not to attend school.

388. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

Provision as to library books.

389. (1) No person who is suffering from an infectious disease shall take any book or use or cause any book to be taken for his use from or in any public or circulating library.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned, but shall give notice to the commissioner that the book has been so exposed to infection, and the commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this section.

Explanation.—For the purposes of this section the commissioner shall from time to time notify what diseases are to be deemed infectious.

229

Power of commissioner to prohibit use of water likely to spread infection.

390. If the health officer certifies that the water in any well, tank or other place within the limits of the city is likely, if used for drinking to engender or cause the spread of any dangerous disease, the commissioner may by public notice prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

Small-pox.

Compulsory vaccination.

391. The corporation shall enforce vaccination throughout the city in such manner as may be prescribed and it may enforce re-vaccination throughout the city or in any part thereof, in respect of such persons, to such extent and in such manner as may be prescribed.

Obligation to give information of small-pox.

392. Where an inmate of any dwelling place within the city is suffering from small-pox, the head of the family to which the inmate belongs and, in his default, the occupier or person in charge of such place, shall inform the commissioner, the health officer, the medical registrar of the district, or the sanitary inspector of the division with the least practicable delay.

Prohibition of inoculation for small-pox.

393. (1) Inoculation for small-pox is prohibited.

(2) No person who has undergone the operation of inoculation shall enter the city before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the corporation may authorize to grant such certificates stating that such person is no longer likely to produce small-pox by contact or near approach.